

5 ATTACHMENT 2- AUTHORIZATION AND ELIGIBILITY REQUIREMENTS

5.1 Eligible Applicant Documentation

For the "AttachmentName" in the naming convention of BMS, use "EligDoc" for this attachment.

Eligible applicants are local agencies. The applicant must provide a written statement (and additional information if noted) containing the appropriate information outlined below:

- Is the applicant a local public agency as defined in CWC 10701(a)? Please explain.*
- What is the statutory or other legal authority under which the applicant was formed and is authorized to operate?*
- Does the applicant have legal authority to enter into a grant agreement with the State of California?*
- Describe any legal agreements among partner agencies and/or organizations that ensure performance of the project and tracking of funds.*

The applicant, Pixley Irrigation District (PIXID or District), is a local "public agency," as defined in California Water Code Section 10701, because it is a "...district, agency, or other political subdivision of the state for the local performance of governmental or proprietary functions within limited boundaries". The District was organized under provisions of Division 11 of the California Water Code, and is acknowledged as a political subdivision of the State of California under Section 20570. The District has broad statutory authority contained therein to conduct necessary acts to furnish sufficient water in the District for any beneficial use. These powers are enumerated in California Water Code Sections 22075 et. seq. Also, Section 22078 states that an irrigation "district may control, distribute, store, spread, sink, treat, purify, recapture and salvage any water including but not limited to sewage waters for the beneficial use or uses of the district or its inhabitants or the owners of rights to waters therein".

The statutory authority under which the District is formed and is authorized to operate is the Irrigation District Law set forth at Division 11 (commencing at Section 20500) of the California Water Code.

The specific statutory authority under which the District can enter into such funding contracts with the State of California can be found at Water Code Sections 22230, 23100 and 24252 which provide as follows:

§ 22230. Necessary Contracts. A district may make and perform any necessary contracts to carry out the purposes of the district.

§ 23100. Agreements for joint acquisition, disposition, or operation of property. A district may make and perform any agreement with the United States, any State, county, district of any kind, public corporation, any person, or any number of them for the joint acquisition, disposition, or operation of any property of a kind which might be acquired by the district.

§ 24252. Contracts and leases for property. A district shall have the right to enter into any contract or lease for any property necessary in the judgment of its board for any of the uses or purposes of the district and by the lease or contract to bind the district for the payment of the consideration specified in the lease or contract as may be provided therein.

The grant and proposed work is being pursued solely by Pixley Irrigation District, and the District has not entered into any legal agreements with any other agencies or organizations concerning this proposal.